

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

WAYNE JOSLIN,

Plaintiff.

V.

MARTEN TRANSPORT, LTD.,

Defendant.

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CIVIL ACTION NO. 4:22-cv-02138

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On October 14, 2022, Plaintiff Wayne Joslin's Motion for Leave to File First Amended Complaint and Motion to Remand (Dkt. 5) was referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(B). Dkt. 7. Judge Edison filed a Memorandum and Recommendation on October 18, 2022, recommending that Joslin be granted leave to file an amended complaint and that, once the amended complaint has been filed and the nondiverse defendant added, this case be remanded to the 11th Judicial District Court of Harris County. *See* Dkt. 9 at 5–6.

No objections have been filed to the Memorandum and Recommendation. Accordingly, the Court reviews the Memorandum and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby **ORDERED and ADJUDGED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 9) is **APPROVED and ADOPTED** in its entirety as the holding of the Court;
- (2) Plaintiff Wayne Joslin's Motion for Leave to File First Amended Complaint and Motion to Remand (Dkt. 5) is **GRANTED**;
- (3) The Clerk of Court shall file Plaintiff's First Amended Complaint (*see* Dkt. 5 at 5–15) as a separate docket entry; and
- (4) Once the First Amended Complaint has been properly filed, this case is **REMANDED** to the 11th Judicial District Court of Harris County.

It is so **ORDERED**.

SIGNED and ENTERED this 8th day of November 2022.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE